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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,648	01/16/2002	Dave Hamilton	3992P004X	8623

8791 7590 12/22/2006
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EXAMINER

LIPMAN, JACOB

ART UNIT	PAPER NUMBER
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2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/050,648	HAMILTON ET AL.	
	Examiner	Art Unit	
	Jacob Lipman	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,4-14 and 17-32 is/are pending in the application.
- 4a) Of the above claim(s) 5-8,18-21 and 27-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,4,9-14,17, and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 4, and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "a security computing device" in line 4. It is unclear if this is the same security computing device of line 1. For the sake of this office action, line 4 is being understood as reading "the security computing device".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Osborn, USPN 6,026,293.

With regard to claims 1 and 14, Osborn discloses a system to uniquely identify a security computing device (cellular phone), the security device coupled to a computer (network), the computer coupled to a server over a computer network (column 1 lines 55-60), the security computing device storing a serial number associated with the

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security device (ESN) and a user key associated with the serial number (secret key) that is unique to the security device (column 3 lines 21-24) in a secure memory (SIM card), a server (base station) coupled to a user information database storing a plurality of registered serial numbers (column 3 lines 2-5) and a plurality of user keys (column 3 lines 31-33), each user key being associated with one of the plurality of registered serial numbers (column 3 lines 23-24) wherein, when the computing device attempts to log onto the server over the computer network (column 2 line 50), the server requests a serial number from the security device (column 2 line 50-54), verifies whether the serial number received from the security device is stored as one of the plurality of registered serial numbers in the user information database (column 3 lines 2-7); if the serial number is stored within the user information database, the server obtains the associated user key and computes a challenge (column 3 lines 20-28) and computes an expected response based on the associated user key (column 3 lines 31-33), the server sends the challenge to the security device over the computer network (column 3 lines 26-28), and if the server receives a response back from the security device in response to the challenge that matches the expected response, the server allows the computing device to log onto the server (column 3 lines 33-38).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 9-13, 17, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn.

With regard to claim 4, Osborn discloses the key and algorithm are only used one-way (column 3 lines 24-36), but does not specify using a hash as this algorithm is necessarily a one-way hash. Osborn further discloses that one-way hash functions are good one-way functions (column 12 lines 37-42). It would have been obvious for one of ordinary skill in the art to use a one-way hash function for the algorithm for Osborn's given motivation that it is hard to falsify.

With regard to claims 9-13 and 22-26, Osborn discloses cell phone authentication as outlined above, and discloses downloading content to the phone (column 10 lines 52-54), but does not disclose downloading encrypted content and an encrypted key to decrypt the content. The examiner takes official notice that it is well known to send encrypted content with an encrypted key and an expiration date. It would have been obvious for one of ordinary skill in the art to have the base station send temporary content and an encrypted content key and to encrypt the content with that key to add a level of security and to not overuse the phone's private key.

Response to Arguments

8. Applicant's arguments filed 2 October 2006 have been fully considered but they are not persuasive.

With regard to applicant's argument that Osborn does not disclose a separate computer that is not the security device located between the server and the secure computer, the examiner points out that Osborn discloses using a network, as outlined

above. The Microsoft Press Computer Dictionary defines a network as a group of computers connected by communications facilities. Since Osborn discloses the phone and the server connected through a network, by definition there are a group of separate computers between them.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

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